

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

**PEGGY H. PHILLIPS,**

**Plaintiff,**

**v.**

**STATE FARM FIRE AND CASUALTY  
COMPANY,**

**Defendants**

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**No.**

**NOTICE OF REMOVAL**

Defendant, State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice that it is removing this civil action from the Circuit Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee at Knoxville.

1. On April 2, 2015, Plaintiff Peggy H. Phillips commenced this civil action against Defendant State Farm in the Circuit Court for Knox County, Tennessee, Case No. 3-185-15. The Complaint and Summons were served upon State Farm on or about April 10, 2015. Attached hereto is as **Exhibit A** is a copy of the Complaint which represents the entire contents of the state court file. The service of summons and Complaint is the first notice State Farm received regarding the commencement of this action.

2. Upon information and belief, Plaintiff is a Tennessee resident. Plaintiff alleges damages for sinkhole damage to her property located on Villa Road in Knox County, Tennessee. Plaintiff further alleges that State Farm that State Farm breached its contract with Plaintiff and seeks punitive damages for the same.

3. Plaintiff's Complaint requests actual damages in amount not to exceed \$300,000.00, along with punitive damages in an amount not to exceed \$500,000.00.

4. State Farm is a corporation organized and existing under the laws of Illinois with its principal place of business in the State of Illinois.

5. This Court has jurisdiction over the claims in the Complaint pursuant to 28 U.S.C. 1332 (diversity) because there is complete diversity between the Plaintiff and the Defendants.

6. This notice of removal is being filed within thirty days of April 10, 2014, the date on which the Summons and Complaint were first served on State Farm. Thus, this notice of removal is filed within thirty days after State Farm first received a copy of the initial pleading setting forth the claims for relief.

7. Pursuant to 28 U.S.C. § 1446(d), defendant will promptly give notice of this notice of removal to the Clerk of the Knox County Circuit Court and to counsel for Plaintiff in the state court proceeding. The giving of such notice will effect this removal pursuant to 28 U.S.C. § 1446(b). A copy of the state court notice is attached as **Exhibit B**.

8. By removing this action, State Farm does not waive any defenses available to it in federal or state court and expressly reserves the right to assert all such defenses in its responsive pleading.

WHEREFORE, State Farm requests that further proceedings of the Knox County Circuit Court be discontinued and that this action be removed in its entirety to the United States District Court for the Eastern District of Tennessee at Knoxville.

Respectfully submitted this 30th day of April, 2015.

**PAINE | BICKERS LLP**

/s/ Katherine S. Goodner

Matthew J. Evans (BPR #017973)

Katherine S. Goodner (BPR # 030499)

2200 Riverview Tower

900 South Gay Street

Knoxville, TN 37902

(865) 525-0880

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing has been properly served via U.S. Mail, postage prepaid, upon the following:

Joshua M. Ball (BPR #020626)

Mabern W. Wall (BPR #031328)

Hodges, Doughty & Carson

617 West Main Avenue

P.O. Box 869

Knoxville, TN 37901-0869

This the 30th day of April, 2015.

/s/ Katherine S. Goodner